

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LORI ANNE TROOP,

Plaintiff,

v.

Case No. 09-CV-0803

MICHAEL J. ASTRUE, Commissioner for
the Social Security Administration,

Defendant.

ORDER

Plaintiff Lori Anne Troop filed a complaint on August 19, 2009, seeking review of the denial of her claim for social security disability benefits pursuant to 42 U.S.C. § 405(g). In connection with her complaint, the plaintiff filed the present motion to proceed *in forma pauperis*.

28 U.S.C. § 1915 is the federal *in forma pauperis* statute and was created to ensure that indigent litigants have meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). In order for a court to authorize a litigant to proceed *in forma pauperis*, the court must first find that the litigant is truly indigent and unable to pay for the costs of commencing the action. 28 U.S.C. § 1915(a). Moreover, the court must also determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

The plaintiff's petition for leave to proceed *in forma pauperis* indicates that the plaintiff is unemployed and receives minimal amounts of support in the forms of

Interim Disability Assistance Program aid and food stamps. In addition, the plaintiff, in a sworn statement, indicates that she incurs monthly expenses that exceed her limited disposable income. As such, the court determines that the plaintiff is unable to pay the costs of commencing this action.

The court also finds, upon examining the complaint, that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. Accordingly, the court will grant the plaintiff's motion for leave to proceed *in forma pauperis*.

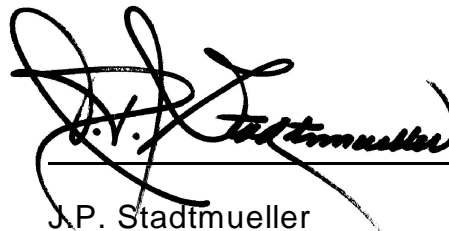
The court notes, however, that the plaintiff must serve a summons and complaint upon the defendant within 120 days after filing of the complaint, see Fed. R. Civ. P. 4(m), or the court shall dismiss this action without prejudice.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 23rd day of September, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge